IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13426 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NISHAR KALLUKHAN PATHAN

Versus

J MAHAPATRA

Appearance:

MR AJAY S JAGIRDAR for Petitioner

MR SAMIR J DAVE for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. Challenge is made by the petitioner to the order dated 1-10-2000 of the Police Commissioner, Baroda City, under which he was detained as a dangerous person.

#. One of the contentions raised is by the learned

counsel for the petitioner that the statements of privileged witnesses were recorded on 24-9-2000, 25-9-2000 and 28-9-2000 and all these statements were verified on 1-10-2000, and on the same day, the order of detention of the petitioner has been passed. This matter is squarely covered by the decision of this Court in the case of Kalidas C. Kahar vs. State of Gujarat & Ors. reported in 1993 (2) GLR 1659.

#. Learned counsel for the respondents is unable to controvert this position of law as well as factual aspect. Reply has also not been filed by the respondents and as a result of which the factual averments made by the petitioner are to be taken to be correct.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 1-10-2000 is quashed and set aside. The petitioner Nishar Kallukhan Pathan, the detenu, at present in Porbandar Special Jail, Porbandar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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